LEGISLATION.

THE IRRIGATION REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Irrigation Regulation Amendment Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

PRESIDENT: There are three amendments which stand in the name of Mr. P. K. Narayana Pillai. But I observe that he is absent. So these cannot be moved. I take it that the House passes the Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I oppose the Bill, Sir, simply to hear what the Law Member has to say with regard to the amendments standing in the name of Mr. P. K. Narayana Pillai. The amendments are not before the House since Mr. P. K. Narayana Pillai is not here. But of course, the Law Member can give us his reply to the amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may state that although the amendments proposed by Mr. P. K. Narayana Pillai are hardly within the scope of the present Bill, I am agreeable to consider his points when a general amendment of the Regulation is taken up.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I withdraw my opposition.

Lady Rajagopalachariar's reply letter to the condolence resolution of the Travancore Legislative Council.

PRESIDENT: I have just received a letter from Lady Rajagopalachariar which I propose to read to the House.

"I am touched by your telegram, of sympathy in our great bereavement, sent by you on behalf of the Travancore Legislative Council, and we greatly appreciate the mark of respect shown to my dear deceased husband by the Council where he once presided."

THE IRRIGATION REGULATION AMENDMENT BILL.—(*Contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill as approved by this Council be taken up and passed at a subsequent meeting of the Council.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

The motion was carried *nem con.*

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THE ABKARI REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce a Bill to amend the Abkari Regulation IV of 1073. The Bill has been published in the Gazette with a Statement of Objects and Reasons. I beg to move that the Bill be read in Council.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I shall now briefly explain the principles involved in the Bill.

The central object of the Bill is to provide for a more effective control of the traffic in, and the use, possession and transport of, intoxicants. Of these, cocaine is the most harmful and it is intended by this Bill to suppress it as much as possible consistently with medicinal requirements and the convenience of the public. There are already some restrictions in this respect in the Regulation and Rules now in force. But the International Opium Convention laid down *inter alia* that very strict control of cocaine and other intoxicants should be provided for; and by the Treaty of Versailles the British Empire has agreed to give effect to the provisions of this Convention. One of these provisions is to control strictly the traffic in cocaine; and the main principle of the Bill is for such control. The definition of "intoxicating drugs" contained in Section 3 of this Regulation is at present as follows :—

> " 'Intoxicating drug' includes ganja, bhang, and every preparation and admixture of the same and every intoxicating drink or substance prepared from any part of the ganja plant, from grain, or from other material and not including in the term 'liquor' but does not include opium or anything included within the meaning of that word as defined in Regulation VI of 1063 ".

This definition is proposed to be amended by making specific reference to the produce of the coca plant as an intoxicating drug. Power is proposed also to be taken for Government to declare as intoxicants any substances the intoxicant nature of which may be contested.

The cultivation of the ganja plant is now strictly prohibited. It is proposed to prohibit also the cultivation of coca plant likewise. Even now the cultivation of the ganja plant and the coca plant is prohibited by the rules. But it is proposed to provide for the prohibition in the Regulation itself. And as a consequence, the amendments in clauses 4, 5 and 6 arise. They are self-evident and do not require explanation except perhaps in respect of clause 4.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether there are any other clauses in the Bill to which the Government propose to make any amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Only so far as the present matter is concerned.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Apart from the particular clause now sought to be amended may I know whether, so far as public importance is concerned, the Regulation as a whole requires reconsideration or amendment ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In one respect perhaps it may require amendment and perhaps in some others also. The Government have recently stated that the question of "local option" will be considered. When orders are passed on that question, probably some legislative changes may be necessary and then a general amendment of the Regulation will be considered.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : What are the reasons for completely prohibiting the cultivation of ganja?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is completely prohibited even under the existing Rules. Cocaine is an equally harmful substance. The cultivation of coca also is prohibited even now by the rules. Since it is necessary to give importance and more effectiveness to the suppression of the traffic in cocaine and since it is necessary to conform to the Hague Convention, it is considered desirable to transfer the prohibition now contained in the Rules into the Regulation itself so that anybody looking into our Regulation may readily see that coca cultivation is prohibited here also.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know the reasons for this prohibition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So that the traffic in it may be effectively controlled.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Why not prohibit the importation also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It may be required for medicinal purposes?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Then, why not prohibit the importation except in the case of medicinal purposes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is no objection to that; but one cannot always be sure that it may not be required for other legitimate purposes also.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : The principle underlying the prohibition of *cultivation* and the prohibition of *importation* is the same.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is not. If coca is allowed to be cultivated the traffic in the drug cannot be easily and effectively controlled by Government. Anybody may cultivate the plant in his back-yard and make the drug therefrom, and Government cannot easily find it out. So cultivation has to be completely prohibited.

Another amendment is in respect of section 13, a clause of which is

"A cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of that plant from which the intoxicating drug is manufactured or produced to any person licensed under this Regulation to sell, manufacture or export intoxicating drugs:"

Now that the cultivation of the ganja and coca plants is to be prohibited this clause is not necessary, and it is proposed to be deleted.

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Another amendment that is proposed is in regard to Section 67 of the Regulation. That Section as it stands gives absolute exemption in regard to medical drugs and druggists and medical practitioners and the like from all the restrictions of the Regulation. Section 67 reads thus:—

"Nothing in the foregoing provisions of this Regulation applies to the manufacture, possession, sale or supply of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries; but it shall be lawful for Our Government at any time by Notification to prohibit the sale of any such article within any defined local area, except under a license which shall be granted on payment of such fees and subject to such conditions as Our Government may deem fit to prescribe."

It will thus be seen that druggists for instance may deal in cocaine without any control whatsoever. It is felt that such absolute exemption is not necessary. The Hague authorities have also specially pointed out that even in such cases there must be some provision of law for exercising control. It is therefore proposed to amend Section 67 accordingly, and along with that, it is desired also to make it clear, that when an intoxicating drug is given to a sick person by a Doctor that sick person also is exempted in respect of the medicine dispensed to them. As the Law now stands a doctor who keeps a drug, say cocaine, and dispenses it to a sick person is exempt, but his patient cannot keep the drug because he is not exempt. It is therefore proposed to exempt such persons also from the operation of the Regulation and at the same time to keep some reserve power to the Government to control the possession and sale of intoxicants in all cases necessary. Provision is also made to grant exemptions, in cases necessary, to doctors and medical men keeping liquor and bhang and preparing them into medicines. I hope the Bill will be a non-controversial one and I commend it to the acceptance of the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I oppose the introduction of the Bill on several grounds. First of all, this kind of piecemeal amendment of a Regulation which even according to the Law Member requires to be reconsidered as a whole in the light of the present day needs, is not a very satisfactory procedure. Secondly, with particular reference to the existing Abkari Regulation there are several clauses and chapters which require reconsideration and modification. The Law Member, if he was very earnest about perfecting the existing laws in Travancore, could have utilised the present opportunity for amending the whole Regulation, but he has not done that. Then, apart from the present Bill introduced in this House, there are other Bills the introduction of which is pressingly felt by the general public. I mean the Jenmi Kudiyan Bill. Towards the beginning of this Council, I interpellated this Council when the Jenmi Kudiyan Bill already published will be introduced in this House. At that time I got an answer that the Government would consider the introduction of the Bill as early as possible. Yesterday my esteemed friend Mr. Raman Menon had an interpellation upon the very same subject. The answer given was that the question of convening a round table conference will be considered. Thus the promise is now different. I submit that that

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[Mr. K. P. Nilakanta Pillai.]

answer is far from satisfactory from the point of view of the common people who are suffering under the existing Regulation. Even speaking on the merits of the answer to the interpellation, I submit that unless a Bill is introduced into the House there is no way of knowing where the difference exactly exists between the Jenmi and the Kudiyan. If the Bill has already been introduced and discussed to some extent, then, it would be possible for the Government to know the difference between the Jenmies and the Kudiyans. As it is, we are proceeding vaguely, and how the difference could be patched up is not known. Therefore, what I submit is, from the point of view of benefit to the general public that the common people of Travancore are suffering a good deal on account of defects of the existing Jenmi Kudiyan Regulation. That Bill ought to have been introduced first in the Council if the Law Member is actuated by the motive of public good. But that does not seem to be his attitude. Anyhow, from the first interpellation to the second interpellation three years have passed, and up to the present moment the Government have not taken any definite step in regard to the Bill. I think the invitation of a round table conference will delay the matter further. Therefore the remedy is far off. The Government must come forward with an amending Bill or permit any non-official members to introduce one. Of course non-official members would be handicapped in so many ways in getting the Bill passed in this House. With these words I oppose the introduction of the Bill.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I also oppose the Bill. Mr. Nilakanta Pillai pointed out that there are other important Bills which need introduction and which have not been introduced. I have also one more reason to state, *viz.*, Bills which though they are not very urgent are passed, but the necessary action after the passing of the Bill is not taken. For instance, we have passed the Cinematograph Bill though there is no necessity for it. It has become a Regulation and it comes into force from Thulam 1103, but rules under that Regulation have not yet been passed. Cinema Exhibitions are going on and I do not know how they are controlled now. I sent up interpellations in the matter and they are not answered. I do not know wherein is the necessity for introducing Bills which at the very outset are not necessary and even after the introduction of which no action is taken. Therefore, I do not think there is any necessity for introducing this Bill when urgent Bills as Mr. Nilakanta Pillai pointed out are not introduced. I therefore oppose the Bill.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, this Bill has to be carefully considered before the motion for its first reading is to be voted upon. On examining the Bill it seems to me that there are general objections to the Bill as a whole in its present form in addition to the objections to most of the provisions in detail.

The first general objection relates to the narrowness in the scope of the Bill. This Bill is an amendment to a very old Regulation, *viz.* Regulation IV of 1073 as amended by Regulation IV of 1074. Nearly

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30 years have elapsed since the Legislature last dealt with the subject matter of the Regulation. Under the circumstances one would naturally expect the Government to bring forward a general revision of the Regulation and not merely a questionable touching up of a few of its Sections.

The second general objection is in regard to the failure of the Government to make some provision in the amending Bill to act up to the spirit of a promise made by the Governmant at the last Budget Session of the Council. Then, the Government undertook to take some prompt steps for the application of the principle of local option or some such temperance measure in regard to the sale of intoxicating liquors in the State. It seems to me that some legislative provisions are required for that. The existing Regulation does not appear to be sufficient for enabling the Government to take such steps. The present Bill is entirely silent on the matter. This is the second general objection.

I shall, now deal with some of the provisions of the amending Bill in detail. The proposed Amendment (*c*) to Section 3 clause (ii) is as follows:

"Explanation: The expression "intoxicating drug" shall for the purposes of this Regulation, include also any other substance and any preparation or admixture of the same declared by Our Government to be an intoxicating drug by a Notification published in Our Government Gazette".

It relates to the definition of the term 'intoxicating drug'. By this amendment Government want the power to declare any substance to be an intoxicating drug, by a mere notification published in the Government Gazette. It should not be left to the sweet will and pleasure of the executive to place any substance under the category of 'intoxicating drugs', and impose restrictions on its cultivation, manufacture or sale. The proper procedure will be to place the proposal for such a step, when a necessity arises for the same, before the legislature in which the representatives of the people can at least scrutinize the proposal of the Government.

If any public emergency arises to adopt some measure before the legislature can be consulted, the Government can proceed under Section 15 of the Legislative Council Regulation and that measure will have the force of law for 6 months. Before this period elapses they can consult the Legislature. If the Legislature is not enabled to dispose of the measure within that period, the Government can renew the emergency measure under Section 15, for another period of 6 months.

They can also proceed under Section 20 if it is found necessary.

In the case of legislation under Section 15 or Section 20 of the Legislative Council Regulation, the Government will have to proceed more deliberately and under better safe-guards than in the case of accomplishing their object by a mere executive order. I think that the Government should proceed under these safe-guards rather than accomplish their object by an executive order. I therefore strongly object to the explanation proposed to be added to Section (3) Clause (II.)

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[Mr. G. Raman Menon.]

A proposed amendment to Section (10), *viz.*, sub-clause (2) proposed to be added runs as follows :—

(2) "The cultivation of the ganja and the coca plant is absolutely prohibited".

I strongly object to this amendment, not because I have any particular love for these plants nor because I am in favour of the people using ganja or cocaine, but because the Government are in this matter, following a policy which is prejudicial to this country financially. The Government are by this amendment merely preventing the people of this country from reaping any advantage by cultivating these plants. I would have warmly supported the Government if they had absolutely prohibited *also the sale* of ganja and cocaine in the country, in addition to prohibiting their cultivation. They have not done so. So long as the sale of these drugs is permitted by Government, I strongly object to the absolute prohibition of the cultivation of the corresponding plants. It may be said that these plants will not grow in Travancore. I am not sure about it. But I strongly suspect that they are capable of being grown here. Otherwise, the Government need not have taken the trouble of prohibiting their cultivation. The principle underlying the amendment is objectionable. The result of the Government's policy will simply be to encourage the foreign cultivators of these plants at the unjust expense of the people of Travancore. We are far, indeed, from being in a position to do so. Our people are far poorer than the people of British India or any other particular part of the world from which these drugs are imported at present. Even if we become richer than those people, it will not be proper to help them in this particular way. We can find out far better ways of helping them so as to bless those who give and those who take. In the case of buying ganja and cocaine the givers and the takers of the money, are far, indeed, from being blessed. I submit that the present financial condition of the large majority of the people of Travancore is so lamentable that we are not justified in giving up any possible avenue of saving of expenditure outside the country. So, I object to the amendment in its present form and in the principle which it involves.

For similar reasons, I object to the amendments to Sections 13, 35 and 51 Clause (c). The main amendments to Section 67, also appear to me to be highly objectionable.

Section 13 is about the sale of liquor or other intoxicating drug without license. The sale of such a thing is prohibited by this Section.

The amendment to Section 13 runs as follows:

"In Section 13 of the said Regulation, the following words shall be omitted *viz.*, 'and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Regulation to sell, manufacture or export intoxicating drugs'"

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The removal of that is for the purpose of preventing a cultivator from selling the produce of these plants. It ultimately amounts to the prohibition of the cultivation of these plants. I object to this.

Then the amendment to Section 35 runs as follows :—

"In Section 35 of the said Regulation, after the words 'there shall be' the words any cultivation of the ganja or the coca plant or' shall be inserted."

That also relates to the prohibition of the cultivation of ganja. So the same reasons which I urged against the amendment prohibiting the cultivation of those plants are applicable here.

Then the amendment to Section 51 (c) of the said Regulation is as follows : —

"In Section 51, clause (c), of the said Regulation, after the word 'Ganja', the words 'or the coca' shall be inserted."

Section 51 deals with penalties for illegal import etc. and runs as follows :—

"Whoever, in contravention of this Regulation, or of any rule or order made under this Regulation or of any license or permit obtained under this Regulation.

(c) cultivates the ganja plant'"

There coca is also proposed to be added. I object to the existing provision prohibiting the cultivation of the plant. So it is clear that the same objections which I urged before are applicable to this particular amendment also. The main amendments to Section 67 also appear to me to be highly objectionable. Section 67 runs as follows :—

"Nothing in the foregoing provisions of this Regulation applies to the manufacture, possession, sale or supply of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries ; but it shall be lawful for Our Government at any time by Notification to prohibit the sale of any such article within any defined local area, except under a license which shall be granted on payment of such fees and subject to such conditions as Our Government may deem fit to prescribe."

The amendments run as follows :—

"In Section 67 of the said Regulation,—(a) after the word 'for', the words 'bona fide' shall be inserted."

That I do not object to. The next amendment is as follows :—

"(b) The following occurring after the word 'dispensaries' shall be omitted namely:—

'But it shall be lawful for our Government at any time by notification to prohibit the sale of any such article within any defined local area, except under a license which shall be granted on payment of such fees and subject to such conditions as Our Government may deem fit to prescribe."

After removing that moderate provision the Government want to insert instead of that more harassing provisions namely the following:—

"(c) After the word 'dispensaries' the following shall be added, namely;—'or to the possession by any person of such articles lawfully supplied by them' and

(d) the Section amended as above shall be numbered as sub-section (1) of Section 67, and the following sub-sections shall be added, namely.—" (There are three more sub-sections).

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[Mr. G. Raman Menon.]

Part (*e*) is desirable. In the other sub-sections, even for medicinal purposes Government take power to restrict the import, etc. of liquor or intoxicating drugs. These are the provisions proposed to be added which I characterised as harassing. I believe that there has been no complaint that medical practitioners are unfairly or otherwise competing in the liquor traffic under the pretence of selling medicines. Even if there is such a complaint there is ample power for the Government to stop it under the particular part of the existing law which is now proposed to be omitted in favour of more harassing provisions which are now proposed to be added. I object to the additions since they may be used so as to harass medical practitioners unnecessarily by requiring them to get exemptions from the Government for enabling them to deal with medicines containing liquor or intoxicating drugs, and to give the officers of Government an additional opportunity for showing favouritism. When exemptions are rendered necessary by rules they may exempt only some favoured individuals and not all who are entitled to the benefit. The existing law enabling the Government to prohibit the sale of any such article within any defined local area, except under a license is more than sufficient for all legitimate purposes. I protest against the tendency on the part of Government officials to claim powers for unnecessarily harassing the members of the public at large.

In the result, only a small portion of the proposed bill appears to be unobjectionable. I see no objections to this small portion. If the Government will be satisfied with that part alone, for the present, I shall gladly support them. But as the measure stands at present, I oppose the whole Bill since the tiny part which appears to be unobjectionable is in very bad company, and is rather inconspicuous among the crowd of harmful provisions in the Bill.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Though there is much force in the argument of Mr. Nilakanta Pillai, based on the indifference shown by the Government in the matter of the Jenmi-Kudiyan Regulation, I do not think that is sufficient ground for opposing the introduction of this Bill at this stage. If that was the only ground for the consideration of the House I would not have supported the opposition of Mr. Nilakanta Pillai. But there is another point which I wish to bring for the consideration of this House. The Law Member was mentioning that the question of local option was under the consideration of Government and most probably there will be the need for considering further amendments to the Bill soon. If that is the case, I do not see any urgency for amending these clauses alone at present. He has not shown any special reason for it. So I think it is better that the introduction of these amending clauses be postponed till further consideration is taken on the question of local option and other matters connected with the Abkari Regulation. In that light I oppose the present introduction. I want to specifically mention that I do not oppose the principle of the Bill. My only objection is that these points may

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be considered along with the provisions relating to local option and I do not see any urgency at present.

Coming to the clauses themselves, as Mr. Raman Menon has pointed out, I think the explanation attached to Section 3 defining the term 'intoxicating drug' gives unnecessarily large powers in the hands of Government. At least the general properties of an 'intoxicating drug' may be mentioned. Without mentioning even these Government is given the power to name anything as intoxicating drug. It may be that the Governnment may not misuse its power, or even if it uses its power wrongly, it may be in the interests of the public. Anyhow it is always better that arbitrary powers are not given to Government. As regards the absolute prohibition of the cultivation of ganja and coca the Law Member has not mentioned any reason for such a provision. If the object is to prohibit the use of these things then their sale also ought to be prohibited. In the absence of any provisions for that, one is inclined to think that he wants only to help the officials of the Excise Department. That is the only inference. If sale could be allowed I do not see why the cultivation also should not be allowed. As Mr. Raman Menon pointed out, it is then a question of competition between the foreign cultivator and the native cultivator where the native cultivator is put at a disadvantage. If the sale is a wholesome business then why not the native cultivator also be given power to cultivate the plants. Unless the sale is also prohibited I do not see how I can support the prohibition of cultivation. With these remarks I oppose the introduction of the Bill at this stage even though I support the general principle of the Bill. I will be glad to support it when it is introduced along with the provisions relating to local option and other matters connected therewith.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): ഞാൻഇതിനെ അനുകൂലിക്കുന്നു. വളരെക്കാലമായിട്ട് ഈ രാജ്യത്തേക്ക് ആവശ്യമുള്ള നിയമങ്ങൾഈനിയമസഭയിൽഅവതരിപ്പിക്കാതെ വിദേശരാജ്യങ്ങളിലെ നിയമങ്ങളെഅവഈ രാജ്യസ്ഥിതിക്ക് ആവശ്യമില്ലാതിരിക്കുമ്പോൾ മുഴുവടെ പകർത്തിഎടുത്തു ഇവിടെ നടപ്പിൽ വരുത്തുന്നതിനു ശ്രമിക്കുന്നു എന്നുള്ളതു് വളരെക്കാലമായി ഉണ്ടായിക്കൊണ്ടിരിക്കുന്ന ഒരുആക്ഷേപമാണ്. അതുപരമാർത്ഥമാണെന്ന് അടുത്തകാലത്തു് നടപ്പിൽ വരുത്തീട്ടുള്ള പലനിയമങ്ങൾകൊണ്ടും സമ്മതിക്കുന്നതാണ്. ഇവിടെ ജന്മികുടിയാൻ റഗുലേഷൻ ഭേദപ്പെടുത്തണമെന്നു് പ്രജാസഭയുടെ അഞ്ചാമതു് യോഗം മുതൽ ജന്മിമാരും കുടിയാന്മാരും അപേക്ഷിച്ചുകൊണ്ടിരിക്കയാണ്. പ്രജകളുടെ അപേക്ഷയനുസരിച്ചും പ്രജാസഭാനിവേദനങ്ങൾ അനുസരിച്ചും ഒരു കമ്മറി ഏർപ്പെടുത്തുകയും ആ കമ്മറി ഒരുറിപ്പോർട്ട് സമർപ്പിക്കയും അതിൻമേൽ ഒരുബിൽ ഗവണ്മെൻറ് ഗസറ്റിൽപ്രസി

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[Mr. Kurandipallil R. Raman Pillai.]

ഭേദഗതിയുണ്ടാക്കുകയും ചെയ്തിരുന്നു. പിന്നെ അതെങ്ങിനെ അവസാനിച്ചു എന്ന് അറിയാൻ പാടില്ല.

ഈ രാജ്യത്ത് പാസാക്കുന്ന നിയമങ്ങളും സാധാരണ ഇപ്പോൾ കണ്ടുവരുന്നതു്, ബ്രിട്ടീഷ് ഇന്ത്യയിൽ പഴക്കം കൊണ്ട് വേണ്ടെന്ന് വയ്ക്കുന്ന നിയമങ്ങളെ ആണ്. ഇതിനു പലദൃഷ്ടാന്തങ്ങളുമുണ്ട്. അതു് ഈരാജ്യത്തേക്കുപകരിക്കുന്നതാണൊ എന്നു നോക്കീട്ടല്ല പകർത്തുന്നതു്.

ഇപ്പോൾ ഈ രാജ്യത്തു Evidence Act, Contract Act, Transfer of Property ഇവ മൂന്നുംഇല്ല. ഇതുകളുടെഅഭാവത്തോടു നമ്മുടെ ഹൈക്കോടതിയിൽ പലകേസുകളും പരസ്പരവിരുദ്ധമായി വിധിപ്രസ്താവിച്ചു വരുന്നുണ്ടു്. അതു് ഞാൻ പ്രജാസഭയുടെ പ്രയോഗങ്ങളിലും കൊണ്ടുവരികയും അവ അത്യാവശ്യമില്ലെന്നു ഗവണ്മെൻറ് അഭിപ്രായപ്പെടുകയും ചെയ്തിട്ടുണ്ടു്. ചിലവിധികളിൽ ഹൈക്കോടതി പറയുന്നതു് തിരുവിതാംകൂറിൽ ഈ നിയമങ്ങളൊന്നും ഇല്ലെന്നും അതുകൊണ്ടു ബ്രിട്ടീഷ്നിയമങ്ങളെസ്വീകരിക്കേണ്ട ആവശ്യമില്ലെന്നുമാണു്. മറുചിലതിൽ ബ്രിട്ടീഷിൻഡ്യയിൽ മേൽപറഞ്ഞ നിയമങ്ങളും നടപ്പുള്ളതുകൊണ്ട് ഇവിടെയും അവ സ്വീകരിക്കാതെ നിവൃത്തിയില്ലെന്നാണു്. ഇതുപോലെ പൂർവ്വാപരവിരുദ്ധമായവിധികളും പലതുമുണ്ടു്. Evidence Act, Transfer of Property and Contract Act ഇവമൂന്നും ഇവിടെ ആവശ്യമില്ലെന്നാണു് ഹൈക്കോടതിപറയുന്നതു്. മറുപല നിയമങ്ങളും ബ്രിട്ടീഷ്ഇൻഡ്യയിൽ നടപ്പുള്ളതിനെ മുൻനടെ ഇവിടെ പകർത്തുകയാണുചെയ്തിട്ടുള്ളതു്. അതുപോലെ ഈ നിയമങ്ങളും ഇവിടെപകർത്തി നടപ്പിൽ വരുത്തുന്നതിൽഎന്താണു് വൈഷമ്യമുള്ളതു എന്നു മനസ്സിലാകുന്നില്ല. ഒരെസംഗതയിൽ ഒരാളിനു ഒരു വിധിയും വേറൊരാളിനു വേറൊരു വിധിയും കിട്ടുന്നതിന്റെ അനൌചിത്യം പലപ്രാവശ്യം ഞാൻചൂണ്ടിക്കാണിച്ചിട്ടുണ്ടു അതുകൊണ്ടു അത്യാവശ്യമില്ലാത്തവയെനടപ്പിൽ വരുത്തുന്നതുശരിയല്ല എന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഇതിനെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. P. GOMATINAYAGOM PILLAI (*Ag. Excise Commissioner*): There is one aspect of the matter which I wish to bring to the notice of this House. The present Regulation imposes some restrictions which are in experience found to be very severe. For example cocaine cannot be imported into or exported from this country nor can anybody have it in his possession except under a license. No exemption is contemplated in the present Regulation. A sick person or a medical officer crossing the frontier for the treatment of a patient cannot come to this country with a medicine containing cocaine except with a license. This is much

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too severe and the rule has to be relaxed. The Regulation, as it stands at present, works great hardship in the case of some persons and if not for any other reason at least for this reason, the Regulation must be amended. Cocaine is a very deleterious drug. There is no doubt about that. It is admittedly so and its use by the public must be discouraged by all means possible. I fear that the free cultivation of cocaine will lead to an indulgent use of the drug habit and that, in its turn, will lead to disastrous consequences. Excess use of that leads to bodily wasting, mental failure, insomnia and weakness of the circulation of blood and extreme dyspepsia.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does not the use of arrack also lead to similar physical troubles?

MR. P. GOMATINAYAGOM PILLAI (*Ag. Excise Commissioner*): To a certain extent.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether cocaine is used as a medicine?

MR. P. GOMATINAYAGOM PILLAI (*Ag. Excise Commissioner*): Yes it is partly used as a medicine.

The free use of cocaine has a disastrous effect to the public health and measures are now taken to root out the evil. Some of my friends on the other side of the House were taking objection to the introduction of this measure on the ground that some important measures such as the Jenmi Kudiyan Bill and other Bills were not taken into consideration by the House. I have nothing to say in regard to those objections and I shall leave it to the Law Member to meet such of them. It is only the principle that has to be discussed now in this Bill.

Cocaine is a very deleterious drug and all restrictions placed on its traffic are only for the country's good. The principle involved in these amendments has been accepted already, as I said before; that cocaine was referred to in the Rules passed under the present Regulation. For these reasons I would request the House to permit the introduction of the Bill.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): I support the measure before the House. We have now to consider the principle of the measure. The main principle of the Bill is to see whether certain restrictions on the use of some of the most confirmed intoxicants are proper. In my opinion it is essential to place severe restrictions in the use of cocaine. As such, the House should accept the measure. But considering some of the objections put forward for opposing the Bill I find the only objection that has been stated is that some of the most urgent Bills were not introduced in this Council. Well Sir, that is an argument to be brought forward not at this stage because we are considering the principle of the Bill that has been brought before this House. Of course we must find out some opportunity to ventilate our grievances in that connection. This is my view of the matter. Then some of my friends who opposed the Bill have themselves admitted that the Abkari Regulation is too old to find a place in our Statute Book. Well Sir, perhaps they want to overhaul the Bill. Of course something is better than nothing and so it is there is an amendment before the House.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is this lubricating or, if not, overhauling?

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): I said this is a Bill to amend the Abkari Regulation. Then again Sir, with regard to the Bill, I do not propose to go into the details, since the Bill in its usual course is sure to go into a select committee where it will be possible for the members to consider even the minor details contained in the amending Bill itself. I have great pleasure to support the amending Bill now before the House.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, after hearing the speeches of some of the members it seems to me that those who object, do not object to the Bill itself —

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What about Mr. Raman Menon's objections?

MR. K. GEORGE (*Chief Secretary to Government*). I mean, with the exception of Mr. Raman Menon.

Some of the speakers objected to the introduction of the Bill, for reasons which had nothing to do with the Bill itself.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What about my objection with regard to the Bill? Was it quite irrelevant?

MR. K. GEORGE (*Chief Secretary to Government*): One gentleman said—

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): My question is not answered.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, I am not bound to answer. What I say is except Mr. Raman Menon, nobody else raised any relevant objections.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I am asking whether my objection was not relevant; the objection that this Bill may be introduced when the question of local option comes up for consideration.

PRESIDENT: I did not see that he used the word 'relevant'.

MR. K. GEORGE (*Chief Secretary to Government*): It is not what I mean.

The introduction of the Bill was objected to, mainly on the ground, at any rate, by some of the speakers that more urgent measures which ought to have been introduced into this Council have not been introduced.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That was only one of the grounds.

MR. K. GEORGE (*Chief Secretary to Government*): I did not hear many grounds.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Abkari Regulation requires a modification, is the main ground.

MR. K. GEORGE (*Chief Secretary to Government*): I think the Abkari Regulation requires further modification.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): And about Jenmi Kudiyan Regulation—

MR. K. GEORGE (*Chief Secretary to Government*): That the Government are not introducing.

I am speaking of what the speakers on the other side of the House have said. I do not know whether these are reasons to oppose this particular Bill. The principle of the Bill was objected to only by Mr. Raman Menon in detail. Now there could be hardly any question as to the necessity for co-operating with the great reform movement in regard to the suppression of traffic in cocaine, opium, ganja and other intoxicating drugs which have been inaugurated under the aegis of the League of Nations. This measure is introduced with that object in view. Everybody knows that the cocaine habit, ever comes into our country, will have very disastrous consequence. It will undermine the health and vitality of all people who use it and it will be a national calamity if that dangerous habit, which I am afraid is prevailing in some Western countries and to some extent in various parts of India, comes to take its root in our country. So we ought to consider it a privilege to be able to co-operate with the forces of reform which have been started outside India. This Bill is introduced primarily with that object in view.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is not the use of cocaine prevalent in Travancore at present?

MR. K. GEORGE (*Chief Secretary to Government*): No. But there is nothing to prevent the use of cocaine in Travancore. If vigorous measures are not introduced to put a stop to the use of this intoxicant, grave danger is likely to happen.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): Is there any urgency in the matter?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know whether we should introduce Bills which are only urgent into this Council.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Of course prevention is better than cure.

MR. K. GEORGE (*Chief Secretary to Government*): Exactly. It is better to prevent than to take measures after the evil has come into our country. I do not want to deal with individual provisions of the Bill. I want to emphasise the necessity of having the Bill introduced and the amending Regulation passed in this Council.

Then Mr. Raman Menon was saying that he would have no objection if the sale of the intoxicating drug also is prevented. Well, if he goes so far as that, I am certain that he ought to agree to a partial measure which prevents the first stages of it. Apart from the question of prohibiting the sale, as a matter of fact, the sale of cocaine, except under license, is even now prevented. The sale of ganja is not prohibited; but the sale is restricted by the strict licensing system which the Government have got. It would perhaps be better to prevent the

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[Mr. K. George.]

cultivation of these plants at least as a first step rather than to wait. I think we can absolutely prohibit the production as well as the sale. Mr. Raman Menon ought to be satisfied that Government are taking steps in the direction in which he desires them to take.

On the whole, Sir, I think the measure is not one which should raise any controversy on its merits and as for the objections which some of the members have raised, I think they are not of such importance as to merit the serious consideration of this House. Therefore I would urge the House to allow the introduction of this Bill.

The Council rose for lunch at 1-38 P. M. and re-assembled at 2-45 P. M.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I little expected that this Bill will come in for so much opposition. Indeed, the Bill is opposed not for what it contains but for what it does not contain and on the ground of some Bill which has not been introduced. Of these, specific reference was made to the Jenmi Kudiyan Regulation Amending Bill. I know that that is a Bill in which most of the members have a very keen interest. But I may draw their attention to the fact that the Government have not ignored it. They have already taken action in the matter and an amending Bill has been published in the Gazette. After the Bill was published in the Gazette the Kudiyans as well as the Jenmies sent representations to Government objecting to the provisions of the Bill. In those circumstances the members will appreciate the difficulties in the way of Government to take immediate action in this matter. On the one hand there is the majority, in numbers, of the Kudiyans who want to make inroads on the Jenmi's rights or supposed rights and on the other hand there is the minority in numbers, of the Jenmies who may charge any legislation that may be undertaken as being an expropriatory legislation. I believe that the House can therefore appreciate the difficulties in the way of Government. In such circumstances it seems to me that the intention of the Government to hold a Round Table Conference consisting of the representatives of both the Jenmies and the Kudiyans to see whether a common understanding is possible to be arrived at is the best solution of the problem.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether both the Jenmies and the Kudiyans objected to the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. There have been a lot of representations, and based on that the Government gave an answer to an interpellation I think some time ago in this House. Having regard to the fact that both the Jenmies and the Kudiyans have objected to the Bill that was published in the Gazette, some solution must be arrived at, taking into consideration the peculiar circumstances attending this legislation, namely the fact that the Jenmies form a minority and the Kudiyans form a majority. The Jenmies may charge any legislation as exproprietory

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and as a tyranny by a majority on the minority. It is essential therefore that, if possible, a common understanding must be reached and it can be reached only by a sort of Round Table Conference where there will be scope for free talk and free give and take. Government contemplate to do that and it seems to me that the House ought readily to accept that solution as the best that can solve this difficult problem. Unless a common understanding is arrived at, it will be very difficult to proceed very far with this legislation and in a way which will be satisfactory both to the Jenmies and to the Kudiyans.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Could not the difficulty be overcome by nominating some Jenmies in this Council and introducing a Bill for consideration ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As I said, the difficulty will be the bitterness of the opposition between the Jenmies and the Kudiyans. The Jenmies will say " You have a majority and by introducing a legislation you are taking away our proprietory rights ". On the other hand, the Kudiyans will say that the legislation if passed as the Jenmies desire, will be oppressive to the Kudiyans' free exercise of rights. It seems to me that in a matter like this it is not a satisfactory way to come to a decision by a mere counting of the heads. The Jenmies are in a minority. It is therefore necessary that as much as possible a common understanding should be reached and the Government are anxious to see that such an understanding is reached as early as could be.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Even if a common understanding is reached, has not a Bill to be piloted through the legislature ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Will the Legislative Council be bound by the decision of the Round Table Conference ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, but it will certainly appreciate and give weight to the fact that a common understanding has been arrived at between the two parties, and that will help any measure when it is piloted through the House. In fact if a common understanding is arrived at, I am sure that most of the members will be able to accept it. Otherwise, the Jenmies may charge the legilsation as one which is taking away their proprietory rights. If the members concede that we should proceed on a common understanding, they would certainly concede also that the best solution will be to hold a Round Table Conference in which the representatives of both the Jenmies and the Kudiyans may be able to put forth their views and there will be opportunities for free talk and give and take. There will be free discussion there and not a formal discussion as in the Legislative Council. I appeal therefore to the House to consider this fact. We have to arrive at a solution of a very difficult matter and I wish that the members will appreciate this aspect of the question.

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[Mr. Kaylam Paramesvaran Pillai.]

With regard to the matters that have not been brought within the scope of this amending Bill, what was specifically referred to is the question of local option. Even at the outset I referred to it and said that the Government have agreed to consider the non-official motion for introducing local option and that it is under the consideration of Government. Until Government consider and pass final orders on it, we cannot say what will be the manner of giving effect to it. Legislative changes may have to be made and that will be carried out by an amending Bill and perhaps other amendments also may be considered then. It has been asked why we should introduce this Bill even now and not wait until other questions are decided. I have already explained at the outset that this does not come in as an individual legislation affecting this particular State. It arises out of a world movement. There is a convention known as the International Opium Convention which lays down that very strict control should be exercised over the traffic in Cocaine and Opium. That Convention has been accepted by the Treaty of Versailles to which the British Empire was a party. Now that the civilised world has accepted that Convention and that the British Empire also has formally accepted it, is it not right that we as forming members of the British Empire should move in line with the rest of the world and is it not necessary that we should make the necessary legislative provision also?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Will it make any difference if we delay the matter for three months more?

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will be a matter of opinion. This Bill refers to a specific and separable object, viz., the control of cocaine. The question of local option is a distinct one and it need not and should not be mixed up with this. We as part of the British Empire have to carry out some specific purposes by means of legislation and therefore I am introducing this Bill which need not be mixed up with other objects. When final orders are passed with regard to the question of local option this House will be moved if necessary; the House will be in existence even then. But is that a reason to object to the present Bill, the contents of which are admittedly unobjectionable to most of the members?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not more convenient to deal with all these amendments together?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaki*): The present arrangement seems to be more convenient because this Bill arises out of a specific purpose, one, accepted by the whole world.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is there any urgency so far as this matter is concerned?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. We have to and must move in line with the world and that readily and promptly.

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Some words of objection have been raised in the House, in the course of the speech of Mr. Raman Menon, with regard to the provisions of the Bill themselves. It has been accepted by the whole world that the provisions now sought at the hands of the House are beneficent and is it not necessary that we should move in line with the British Empire and is it not necessary that we should legislate to carry out that beneficent purpose?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether an explanation is necessary to be added to the definition "intoxicating drugs"?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will come to that. The main object of the Bill is to suppress the traffic in cocaine as much as possible and it seems to me that the House ought readily to accept that principle. Mr. Raman Menon just now asked me why an explanation has been put in and whether it may not be made use of too widely. I appreciate the criticism that the explanation is perhaps very widely worded and if the House really thinks that any harm will come out of it, it is open to the Select Committee to see that the necessary alteration is made so that undue power may not be given to the Government. But to me it seems that in the interests of the object we have in view, it is advisable to give the Government a wide power. But if that is looked on with suspicion the House has got ample opportunities to consider that question and to put in necessary safeguards. However, that does not effect the principle of the Bill.

With regard to the cultivation of ganja and coca, Mr. Raman Menon said that the prohibition of the cultivation is uncalled for and is even harmful, and according to him is even *harassing*, to the cultivating classes in Travancore. I have already brought to the notice of the House that even to-day, under the Rules in force, coca and ganja cannot be cultivated. Now, if I bring this prohibition into the Regulation itself, it is because I want to give greater prominence and permanence to it and because of the Opium Convention which lays down that ganja and cocaine should be suppressed as much as possible. When other countries look into our statutes they would also readily see the steps we have taken.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is the cultivation of ganja and coca absolutely prohibited?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not allowed under certain restrictions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is absolutely prohibited now by the Rules.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Has the member any materials to show that in the Opium Convention ganja was also included in the list of drugs to be prohibited?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Convention is for suppressing all intoxicating drugs. In regard to the cultivation of the coca and ganja plants, it seems to me that it is hardly a paying proposition to cultivate, because nobody will be able to export them or traffic in them here. Apart from that, if the use of coca and ganja is to be controlled it must be readily conceded that their cultivation should be prohibited. If any person can have coca and ganja cultivated behind his house, in his back yard, how are you going to prevent its use? How are the Government going to control it?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Is the sale of ganja absolutely prohibited?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It would be under control and would be under licenses.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Could not the sale of these things be absolutely prohibited except for medicinal purposes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the time comes for that the Government can do that also under the provisions of the law. I am now speaking of the cultivation of the ganja and coca. If they can be cultivated for purposes other than for making intoxicants, then, it might have been considered. No other purpose has been suggested and I cannot understand why it should be hard or harassing as Mr. Raman Menon seems to think, that a man is not allowed to cultivate coca or ganja. They can be cultivated for purposes of manufacturing intoxicating drugs only and if that has to be suppressed as much as possible it seems to me that as a logical consequence the cultivation of these should be prohibited.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Is it necessary or desirable to prevent the cultivation of these plants, ganja and coca, before the sale of the commercial produce is prohibited?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The object of the Bill is to control the traffic in cocaine. As a necessary help for doing that, it is necessary that cultivation of the coca should be prohibited and as I said, by doing so nobody is a loser, because it is not used for any other purpose. It has been prohibited in other countries. Such a legislation has been passed by the Madras Council, and in the Madras Presidency the cultivation of the coca and ganja is prohibited.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are they not allowed to be imported and sold there?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are allowed only under licenses.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): May I know whether they are cultivated in Madras?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Ganja is cultivated in Government farms I think. I am not quite sure. And I think that coca is not cultivated at all. In Travancore they are not cultivated.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If there is an absolute prohibition even now in the Rules, what is the necessity of sub-clause (2) of clause 3?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Now they find a place in the Rules, but to afford greater prominence and permanence I want them to be introduced into the Regulation itself.

In regard to clause 67, Mr. Raman Menon characterised that also as harassing. Even as the law would stand when amended any druggist or medical practitioner or vaidyan may keep and use cocaine. That provision is not taken away. All that is now sought for is power for Government to exercise control in that respect also if necessity arises. It is not advisable that always any and every druggist and chemist should be absolutely exempt from the provisions of the Regulation. It may be necessary to control them also by licenses. It will be very harmful if such a power is not reserved. Therefore I am asking for power for Government to exercise control over the traffic in cocaine even in the case of druggists and chemists.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are not the present provisions proposed, more harassing than before?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If Mr. Raman Menon wants to use the word 'harassing', it may be used. But there is another aspect and it may perhaps be more correct to call it 'beneficial' and that, I think, will be the suitable word if we remember the objects we have in view. I hope therefore that the House will readily see their way to accept the principle of the Bill and allow it to be passed on to a Select Committee.

MR. A. J. JOHN (*Vaikam*): May I know whether any date is fixed for the Round Table Conference?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No date is fixed.

MR. A. J. JOHN (*Vaikam*): Will it be shortly held?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe that an answer was given only yesterday and I cannot say anything about the date of the conference.

PRESIDENT: I now put the question that the House do approve of the principle of the Bill and accept the motion that the Bill be read in Council.

The motion was carried.

The Secretary then read the title of the Bill.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be referred to a Select Committee consisting of

1. Messrs. C. P. Tarakan
2. Kallur Narayana Pillai
3. I. C. Chacko
4. P. Gomatinayagom Pillai
5. M. Subrahmanya Pillai
6. A. J. John
7. K. N. Ramasubba Aiyar
8. Dr. N. Kunjan Pillai and
9. The mover to report on it within three months.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second the motion.

PRESIDENT: May I take it that the House agrees to the motion?

The motion was carried.

PRESIDENT: Mr. Paramesvaran Pillai will be the Chairman of the Committee.

THE PROBATE AND ADMINISTRATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to provide for the grant of probate of wills and letters of administration to the estates of deceased persons. The Bill has been published in the Gazette with a Statement of objects and reasons. I beg to move that the Bill be read in Council.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the general principles of the Bill. The Bill as its title would indicate is intended to provide for the grant of probate of wills and letters of administration to the estates of deceased persons. The title and the Bill contain certain technical expressions not in vogue in Travancore and not perhaps readily understood here although in other countries, which have had a probate and administration law for long, they might be readily understood. Of these expressions, I think, I may at the very outset explain what probate of wills and letters of administration mean. I take it that the word "will" does not require explanation. It, of course, means the legal declaration of the intentions of the testator, *i. e.*, the person executing the will, with regard to his property which he desires to carry into effect after his death. But a will has to be proved, so that its purport may be carried out or enforced against those who would dispute it, and this brings us to the word "probate of a will".

"Probate" used as a noun literally means "proof". Both the words "probate" and "proof" are derived from the same root 'probare' whose past participle is 'probatus'. Technically probate means the official proof of a will, to put it in a brief way. To go into a little more detail

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